

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JENNIFER LYNN KRIEGER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 14-cv-00749 - JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Jennifer Lynn Krieger's Motion to Vacate, Set aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). On June 10, 2015, this Court denied petitioner's motion. However, the Court found that the petitioner had made a substantial showing of the denial of her Fifth Amendment Right to Due Process of Law and her Sixth Amendment Right to Jury Trial pertaining to her mandatory minimum sentence of 20 years of incarceration due to "death resulting" and whether the exceptions of *Teague v. Lane*, 489 U.S. 288 (1989) apply to sentencing in which *Alleyne v. United States*, 133 S.Ct. 2151 (2013) and *Burrage v. United States*, 134 S.Ct. 881 (2014) could be applied to petitioner. As such, a certificate of appealability was granted. (Doc. 14).

Petitioner appealed and on November 22, 2016, the United States Court of Appeals for the Seventh Circuit held that *Burrage* applied to petitioner's sentence and remanded for *de novo* resentencing. *Krieger v. United States*, 15-2481 (7th Cir. November 22, 2016).

Therefore, per the Order of United States Court of Appeals for the Seventh Circuit, the Court:

- **GRANTS** Jennifer Lynn Krieger's § 2255 motion (Doc. 1);
- **VACATES** the sentence imposed on February 2, 2009, in Ms. Krieger's criminal case as reflected in the judgment entered on February 10, 2009 (Doc. 159 in Case No. 06-cr-40001-JPG); and
- **DIRECTS** the Clerk of Court to enter an amended judgment accordingly.

IT IS SO ORDERED.

DATED: 1/17/2017

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE